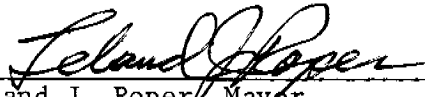


54

Mayor Roper asked if there were any other comments, there being none, Councilman Bird made a MOTION to adjourn the meeting, MOTION SECONDED by Councilman Losee and received the unanimous affirmative vote of all councilmen present. Meeting adjourned at 11:55 p.m.



Leland J. Roper, Mayor



Dorothy Jeffery, City Recorder

MINUTES OF A SPECIAL CITY COUNCIL MEETING HELD AUGUST 27, 1981

August 25, 1981

NOTICE OF SPECIAL CITY COUNCIL MEETING:

TO MEMBERS OF THE CITY COUNCIL OF THE CITY OF DELTA, COUNTY OF MILLARD, AND STATE OF UTAH.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF THE CITY OF COUNCIL WILL BE HELD AT THE MILLARD SCHOOL DISTRICT OFFICE, 140 WEST MAIN, DELTA UTAH AT 9:00 A.M. ON THE 27th DAY OF AUGUST, AD.D., 1981 FOR THE PURPOSE OF A HEARING TO DETERMINE WHETHER THE 1981 BUSINESS LICENSE ISSUED TO RALPH CHRISTENSEN CONTRUCTION COMPANY, SHOULD BE REVOKED, AND FOR ALL OTHER BUSINESS WHICH MAY LEGALLY COME BEFORE SUCH MEETING.

S/LELAND J. ROPER, MAYOR OF
THE CITY OF DELTA, UTAH

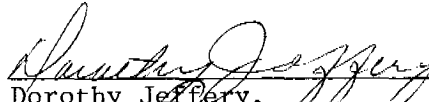
ATTEST:

DOROTHY JEFFERY, DELTA CITY RECORDER

August 25, 1981

CERTIFICATE OF MAILING

The undersigned duly appointed acting Recorder for the City of Delta hereby certifies that she mailed a copy of the foregoing NOTICE OF SPECIAL CITY COUNCIL MEETING to Jackson Howard of Lewis & Peterson, Attorney at Law, 120 East 300 North Street Provo, Utah 84601; Ralph Christensen, 58 East Main, Delta, Utah; the Millard County Chronicle, 43 North 300 West, Delta, Utah; the Millard County Gazette, 58 East Main, Delta, Utah; and to each member of the governing body, postage prepaid this 25th day of August, 1981.

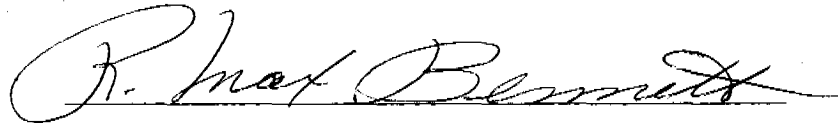

Dorothy Jeffery,
Delta City Recorder

WAIVER OF NOTICE AND CONSENT OF MEETING.

We, the undersigned, being all members of the City Council of the City of Delta, Millard County, State of Utah, do hereby acknowledge that we received on the date here under the foregoing notice of a meeting of said City Council, waive notice of the time, place date and purpose of the meeting of said City Council so called to be and do consent to the holding of such meeting and to the transaction of any and all business that may come before such meeting.

DATES at the City of Delta, Millard County, State of Utah, this 25th day of August A.D., 1981.

Councilman Max Bennett



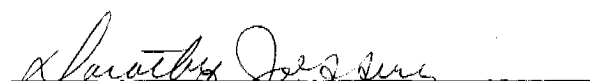
Councilman Don Bird

Councilman Thomas Callister

Councilman Cecil Losee

Councilman Willis Morrison


LELAND J. ROPER, DELTA CITY MAYOR


DOROTHY JEFFERY, DELTA CITY RECORDER

AAH558

56

PRESENT:

Leland J. Roper
Cecil Losee
Willis Morrison
Don Bird
Thomas Callister

Mayor and presiding
Councilman
Councilman
Councilman
Councilman

ABSENT:

Max Bennett

Councilman

OTHERS PRESENT:

Neil Forestor
Jay Covington
Dorothy Jeffery
Warren Peterson
Nadine Nielson
Richard Johnson

Public Works Superintendent
City Administrative Intern
City Recorder
City Attorney
City Secretary
Attorney for Ralph Christensen

Dan Harris
Lyman Munford
Ralph Christensen
Cindy Christensen
Mrs. W.R. Fullmer
Forrest L. Roper
Jedd Higgs
H. Doyle Bender
Ray L. Larsen
Todd Tolley
Judy Fullmer
Evan R. Fullmer

Employee of Ralph Christensen
V.A. Building Inspector
Ralph Christensen Construction
Ralph Christensen Construction
Delta City Resident
Roper Construction
Ralph Christensen Construction
Zion's Bank
Larsen Construction
Pipe-rite Plumbing
Delta City Resident
Delta City Resident

Mayor Roper, being present, called the meeting to order at 9:00 a.m.

Dorothy Jeffery, being present, acted as secretary.

Mayor Roper stated that the meeting was a Special City Council Meeting for the purpose of the possibility of the revocation of Ralph Christensen's 1981 business license.

Mayor Roper stated, however, he has to be called as a witness to the meeting, he would entertain that the Council make a motion to vote on a chairperson to conduct the meeting as outlined. Councilman Morrison MOVED to vote Councilman Don Bird as Chairman of the meeting. MOTION SECONDED by Councilman Callister, and received the unanimous affirmative vote of all councilmen present.

Councilman Bird stated clearly that there were two (2) important items that he wanted to make everyone at the meeting to have a knowledge of, he said "This meeting here today is not a trial, this is a hearing, it will only be conducted as a trial". Next, he noted that the first item would be the introduction of the Attorneys. The Attorney for the City of Delta is Mr. Warren Peterson who is the City Attorney, the Attorney which will be representing Mr. Ralph Christensen, is Mr. Richard Johnson of Lewis & Peterson, attorney at Law. The procedure will follow as outlined:

ATTORNEY PETERSON'S OPENING STATEMENT

Attorney Peterson stated that the case that they are going to present, the basis on which we are moving to revoke Mr. Christensen's license is that he failed principally, to comply with the multiple building codes, and we will be looking

at construction projects, and we refer to them as the Carol Parr house the Ray Fullmer house, the Willard Fullmer house, and the Kirk Harris house. If you should have any questions as to the specific location on the construction of these houses Mr. Valdez, I am sure can answer your questions concerning these cases, in his testimony to the Council. I would like to point out that we are here today to point out a very specific item, there may be other matters brought into this particular hearing as to whether various city officials acted property, or medigated factors brought in. I would suggest to the Council, they should look only to the specific evidence presented on the violations of the City Ordinances, because that is the basis for the occasion of the business license.

Let me read to you the particular seciton of the City Ordinances that we will be using here, Section nine (9) of the Delta City Business License Ordinance:

A. Any license issued pursuant to the provisions of this code or of any ordinance of the City of Delta may be revoked and any application denied by the City Council because of:

1. The failure of the licensee or applicant to comply with the conditions and requirements of this code or any ordinance of the City of Delta.
2. Unlawful activities conducted or permitted on the premises where the business is conducted.

Those items above are the two (2) standards, one is the failure to comply with City Ordinances, and second is conducting unlawful activities, where the business activity, that is licensed, is taken place.

The Ordinance further provides, prior to the revocation of a license or denial of an application to renew business license, the licensee or applicant shall be given a notice which shall state, in substance, that the City Council intends to revoke the business license or deny the application to renew, together with the reason or reasons, therefore, at a regular or special meeting of the City Council, the licensee or applicant has a right to appear, to be represented by council, to hear the evidence against him, to cross-examine witnesses and to present evidence as to why the license should not be revoked and the application denied.

The evidence that we are going to be presenting, is specifically addressed to either violating the City Ordinances, or to unlawful activity conducted by Mr. Christensen, or his workers in Christensen Construction Company. The purpose is to what those specific violations, with our charges on this conduct on part of the city officials, those are sepearate and apart, they are not included as part of Mr. Christensen's violations, nor do they mitigate, unless you feel that there is extreme unfairness in the activities of the city officials that adjustifies not revoking Mr. Christensen's license in the evidence presented, please direct your inquiry only to the evidence that is presented here today, do not work on here-say or anything else that you might be apprehended to, that is rumors, gossip, etc., the scope of inquiry is very limited to what you hear today.

The first witness we will be calling is Mr. Ray Valdez; second, Mr. Gil Williams; third, Mr. Lyman Numford; fourth, Mr. Neil Forster, and fifth, Mr. Leland J. Roper.

RAY VALDEZ'S TESTIMONY

AAH558

Mr. Ray Valdez has been employed for Delta City for a period of six (6) months and four (4) days, his other qualifications before he came to Delta City are: Inspector for HUD, in the Duchesne County for nine (9) months, however, the job was terminated in six (6) months; he was the Building Inspector in West Jordan City for three and a half (3½) years; before that time, he was a construction superintendent for five (5) years; he built homes, shopping malls, apartments, and houses; he has had fourth to fifty houses being built on the site at the same time; he attended trade-tec for three (3) years; he has installed water and sewer pipes; he has been a back hoe operator; he has been an inspector for a total of six (6) years, and a total of fifteen years (15) in the construction industry.

Mr. Ray Valdez stated that he was aware of the reason of the hearing, and he felt that because of him it was called.

The first specific question that was asked by Attorney Warren Peters, was, "What violations has Mr. Christensen violated concerning the Carol Parr home?"

A letter was read to the council which Mr. Valdez has kept on record in his files:

Rlph Christensen poured the footing on Carol Parr's home on July 9th, 1981, located at 262 West 300 No. Delta City.

The excavation and the footings were done without a building permit.

Ralph Christensen picked up a permit on July 13, 1981, and asked me to hold the check until he received some money from Tri-Teck Corporation, which I did to help him." I could have inposed an investigation fee, which is equal to the amount of the permit fee required by the (U.B.C. Sec. 304-D.2), the Provision reads:

The payment of such an investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

The question was asked, did you actually see the footings being poured by Mr. Christensen's Construction Company? Mr. Valdez replied, "I did not actually see the footings being poured, I saw the footings when I was going down to the ball park to watch a ball game, It was just getting dark and I had seen some re-bar sticking out of the ground, then I walked over to examine the area.

Mr. Valdez presented a check which Mr. Christensen had given him. Attorney Peterson, again stated that Mr. Valdez, on July 9th, did not actually see the footings being poured, until that night after they had already been in place, and asked Mr. Valdez what the date was that the building permit was applied for. Mr. Valdez said that the building permit was not applied for until July 13th, 1981. He also stated that he did not make any inspection report at that time, and he found out about the footings on his own, and that Christensen Construction Company did not ask him to come and make any reports.

Attorney Peterson asked, "What does the Uniform Building Code require?" Mr. Valdez replied, "It should be obtained before any work is started on the lot, and you should apply for the permit, the drawings, specifications, blueprints, then after the application is approved by the City, it is legal."

Attorney Peterson asked what other violations were made concerning the Carol Parr home. An objection was made by Attonry Richard Johnson, because it was not on record, a letter, dated August 12, 1981, was received by Attorney Richard Johnson, oulining what was going to take place at the hearing, and he said that they have done their best to try and present a case, and they would certainly object to the introduction of anymore witnesses or anymore statements that they have not had enough notice of.

The Chairman of the Hearing, Councilman Don Bird, agreed that any information leading past the date of August 12, 1981, would not be considered as evidence to the Council.

After the objection, Attorney Peterson asked Mr. Valdez, what other violations were made on the Carol Parr home, prior to the date of August 12?

Mr. Valdez stated, the violations were on the footings, and that he did not pick up his building permit before the footings were poured.

Attorney Peterson asked Mr. Valdez to explain the violations that were made on the Ray Fullmer home.

Mr. Valdez stated that mainly the same things happened on the Ray Fullmer home, as did the Carol Parr home. Mr. Christensen did not pick up the building permit, the footing excavation was commenced and completed on July 13, 1981 without a building permit.

Mr. Ray Valdez was refering to a letter which he had typed concerning the Ray Fullmer home, Attorney Richard Johnson asked why the evidence was not marked as exhibits, after the question from Attorney Johnson, Attorney Peterson presented the letter to the Council to examine, and then he presented the letter to the Delta City Recorder, Dorothy Jeffery, to sign as exhibit number one (1).

Mr. Ray Valdez continued to read the letter:

Footing excavation commenced and completed, July 13th 1981, without a building permit. Ralph Christensen did not pick up a building permit, until July 29, 1981 after he had poured the foundation, I had red tagged the job before he poured the foundation.

The foundation was poured July 14th, 1981, and he still continues to work under my red tag.

Attorney Peterson stopped Mr. Valdez and asked him to explain what the red tag was. Mr. Valdez quoted a seciton from the Delta City Zoning Ordinance 77-3, Zoning Regulations and Provisions, Section 15-200:

Code requirements: All construction coming under the provisions of this Ordinance shall follow the specifications outlined in the following publications which by reference are a part of this Ordinance to the same extent as though copied herein full:

AAH558

60

17-502. Utah State Plumbing Code
17-502. National Electric Code
17-503. Uniform Building Code, Short Form

Mr. Valdez continued reading the letter:

This contractor has told me in the past, that he does not have to comply with what I have asked him, because he builds FHA and VA homes.

Attorney Peterson asked Mr. Valdez for the red tag which was being presented to the meeting, and presented them to the City Recorder, to be marked as exhibit number two (2).

Attorney Johnson, stated that everything that was said by Mr. Valdez was all hearsay, and he stated that he objected to it.

Attorney Peterson withdrew the subject of exhibit number two(2), and began to ask Mr. Valdez what other violations, prior to the date of August 12, did Mr. Christensen violate, which caused Mr. Valdez to try and revoke Mr. Christensen's Business License, Mr. Valdez stated that the only violation was working without a permit, or any authorization from anybody.

Attorney Peterson asked what the contents were, concerning the Uniform Building Code, on those two violations, Mr. Valdez said, "The code said that the contractor will pick up a permit before starting work." Attorney Peterson asked a question about the stop working red tag, Mr. Valdez said that no one will remove the tag, and no one will perform any work on the site.

Attorney Peterson advanced to home number three (3), which is the Willard Fullmer home, he asked Mr. Valdez prior to August 12, what violations did Mr. Christensen perform on the Willard Fullmer home?

Mr. Valdez referred to a letter, which was typed on July 23rd:

I made a rough inspection on the foundation, I wrote up what had to be done, and I never was called back, the work that I had listed, never was completed. He violated sections 305 of the Uniform Building Code which requires that no family or person will occupy a home without the house having a final inspection.

Attorney Peterson asked, "What inspections are required in the Uniform Building Code". Mr. Valdez stated that a footing inspection has to be made on the plumbing and sewer. Mr. Valdez also stated, on the South West corner of the Willard Fullmer home, one of the ties in the foundation panels was pushing the cement out about four (4) to six (6) inches, Mr. Valdez wrote it up and asked Ralph if he would correct it, There were two (2) things Mr. Valdez asked Mr. Christensen to do, and neither one of them were finished. Mr. Valdez has an inspection report there, that he filled out on the Willard Fullmer home. The violations that he cited in that report are, the foundations on the South West corner was chipped out and regrouded before final inspection. The problems in the home that he cited have not been corrected, as of this date. The last time Mr. Valdez was there at the site, was on the 17th of August and the only thing Mr. Valdez had seen, was a wall that Mr. Christensen had framed around, which is the area that Mr. Valdez was referring to.

Attorney Peterson asked if there were any other violations against the Willard Fullmer home, Mr. Valdez said, "Yes but they are not pertaining to this, this house is being occupied, and I have not made any final inspections on the house."

Attorney Peterson asked Mr. Valdez, what violations of the City Ordinances were committed on the Kirk Harris house. Mr. Valdez stated, "There were quite a few, however, the main one was the electrical standards, to me, the electrical outlets did not look like a professional had done it, and I asked him two (2) or three (3) times and I left, and I went and called Mr. Gil Williams and asked him to come and look at it, after Mr. Williams looked at it, we asked Ralph again who had done it, and he said that his men did the work on it."

Attorney Peterson asked Mr. Valdez what specific violations did he discover that caused him to be concerned.

Mr. Valdez said that the braker box was a mess, he has taken pictures of the braker box and Mr. Valdez has asked Mr. Williams if he would present them to the council.

Attorney Peterson asked Mr. Valdez to explain the braker boxes, Mr. Valdez stated, "There was a mass of wires, it looked like somebody had just taken a portion of wires and threw them in the box. I have some pictures of how a braker box should look like and the way that I describe what a braker box should look like a nice set of railroad tracks."

Attorney Peterson asked, "What other defects were violated?" Mr. Valdez stated, "There were wires that were cut through the openings, they were spliced, I did not know if they were corrected, that is when I decided to complain on the violations of the house, there were outlets outside that he put in place wrong, he put them on so that it was over the site where they are suppose to be weather proof, and so that when it rained it would not go into the outlets. It was quite a while before these defects were corrected. As far as workmanship, I found alot of defects."

No further questions were asked by Attorney Peterson.

Attorney Johnson asked about the Carol Parr home and the Ray Fullmer home, he asked Mr. Valdez, "Did you remember what day of the week that you noticed that there was not a building permit on those houses."

Mr. Valdez stated, "Whatever day it was, it was the 9th day of the Month." Attorney Johnson presented exhibit number three (3), and asked Mr. Valdez to identify it if he could. Mr. Valdez described the exhibit as being copies of two (2) checks from Mr. Christensen. Attorney Johnson asked Mr. Valdez, "Do you remember Mr. Christensen giving you those checks?" Mr. Valdez said that he did not remember, and that he does not know if he has received the checks or not.

Attorney Johnson asked Mr. Valdez, "Prior to the time that the footings were poured someone had applied for a building permit, did someone from Tri-Tec apply for a building permit?" Mr. Valdez said that he did not know, Attorney Johnson stated that he never commented to Mr. Christensen that the only reason the building permits were being hung up was because the man from Tri-Tec had written the check out for the wrong amount, Mr. Valdez said that he did tell Mr. Christensen about the checks from Tri-Tec.

Attorney Johnson stated that if Mr. Valdez did tell Mr. Christensen about the checks from Tri-Tec, then he would know on July 14th, the same day that he supposedly red tagged the houses, that the reason the building permit was not issued

AAH558

was because the man from Tri-Tec had written the check out for the wrong amount. Attorney Johnson asked Mr. Valdez if he just allowed building to continue on from July 13th to July 29th. Mr. Valdez stated, "No I did not, Mr. Christensen moved on with his work regardless of a red tag or anything." Attorney Johnson asked Mr. Valdez if he testified on doctrine examination, that he received that check from Mr. Christensen, and stated that exhibit number three (3) and number four (4) seem to be the same numbers and that they were the same checks, he stated that it seems to him that Mr. Valdez received the check, exhibit number four (4), on July 14, 1981. Attorney Johnson asked Mr. Valdez "What kind of conversation did he have with Mr. Christensen on July 14, 1981, when Mr. Valdez took a check from Mr. Christensen for \$477.00?"

Mr. Valdez stated, "The check was for a different house, it was for the Ray Fullmer house, the other check was for the Carol Parr house." Attorney Johnson asked Mr. Valdez to look on the bottom of the check, on the bottom of the check it was issued for the Ray Fullmer house, which was number 1066. Attorney Johnson stated, Mr. Valdez remembers receiving check number 1065, however, he does not remember receiving check 1066.

Attorney Johnson asked Mr. Valdez is he remembered getting an identical check for \$477.00 for the Fullmer permit. Mr. Valdez stated that it could have been possible and that he did not remember. Attorney Johnson asked Mr. Valdez that after he received those checks, did he have a conversation when he gave you those checks, didn't Mr. Christensen say something to the sort that he thought the guy from Tri-Tec got the building permit, and you said no he didn't, he only had one check and he wrote the check out for the wrong amount. And Mr. Christensen gave you a check for \$477.00 and what did you say to him? Mr. Valdez stated that he would hold the check. Attorney Johnson asked Mr. Valdez, "Is it his policy to send complaints to the contractors so that he can work with them."

Mr. Valdez stated that it was his policy, if he cannot find the contractor, then he will mail the complaints to him and he should take care of them. Attorney Johnson asked Mr. Valdez, "This letter which is exhibit number two (2), was that addressed to Mr. Christensen?" Mr. Valdez stated, "It wasn't really intended for him anyway, it was for my own record, and I do not know if it was mailed to Mr. Christensen. Attorney Johnson asked Mr. Valdez, "Would you agree that a great deal of construction took place without a building permit from the periods of July 14, to July 29?" Mr. Valdez stated that it possibly could have. Attorney Johnson asked Mr. Valdez, "Do you remember saying to Mr. Christensen that the building permit was taken care of?" Mr. Valdez stated that he did say that. Attorney Johnson asked Mr. Valdez, if there was a section in the Uniform Building Code that deals with this subject. Mr. Valdez said, "No but it is up to a professional contractor to do a suitable job." Attorney Johnson asked Mr. Valdez, "What other violations were violated by Mr. Christensen, on the Willard Fullmer home?" Mr. Valdez stated that Mr. Christensen violated section 205 in the occupancy permit. Attorney Johnson asked, "Who brought the house into the limits of Delta City?"

Mr. Valdez stated, Paradise Homes brought the Willard Fullmer home into the limits of Delta." Attorney Johnson asked Mr. Valdez, "Do you remember having a conversation with the Fullmers, on whether or not they had to move out of their home." Mr. Valdez stated "I do remember the conversation, and I told them that the house was not acceptable."

Attorney Peterson made an objection, as to whether or not Attorney Johnson was being argumentative on the case, and that he should not comply to people who have not testified on the case.

Attorney Johnson asked Mr. Valdez about the Kirk Harris home. He asked Mr. Valdez, "Do you know the relationship between Kirk Harris and Gary Harris?" Mr. Valdez stated that he thought that they were cousins. Attorney Johnson asked Mr. Valdez if it was his belief that Gary Harris, had done the wiring on the Kirk Harris home. Mr. Valdez stated that to his belief, Ralph Christensen had done the wiring on the home. Attorney Johnson asked Mr. Valdez, what information did he have supporting the charges of 1-A, that he conducted electrical work within the City of Delta, without being licensed to register with the department of contractors, the question was asked, if Mr. Valdez knew whether or not a person that wired the Kirk Harris home was a certified electrician. Mr. Valdez stated he didn't think that he was a certified electrician. Attorney Johnson asked if Dee Hollingshead had fixed the wiring on the house, and then he gave Mr. Christensen a list of all the things that needed to be fixed.

Attorney Johnson stated that the only thing that Mr. Valdez can testify to, that is the only thing working with the Kirk Harris is the original sheets on the inspection reports. Attorney Johnson stated that the contractor can only fix the things that he knows about, and it is your testimony that the only things that Mr. Christensen saw was the inspection reports, which are introduced as exhibits number two (2) and three (3). Attorney Johnson asked Mr. Valdez who told him he had the authority to revoke his business license. Mr. Valdez stated that after a contractor has violated three (3) violations, the inspector has the right to try and revoke his business license. Attorney Johnson asked Mr. Valdez if he would agree that on August 6, 1981, he wrote a business letter to Mr. Christensen and told them to leave the job site because Mr. Christensen no longer had a business license. Ray stated that he did not have a conversation with the employees telling them to leave the job site. Attorney Johnson asked Mr. Valdez if he had a conversation with the employees of Mr. Christensen that are sitting in the room today, in which you told them to leave the job because you were revoking the license. Mr. Valdez stated that he only red tagged the site which they were working on. Attorney Johnson then asked Mr. Valdez if he ever told Mr. Christensen and that he might as well get on somebody else's gravy train. Mr. Valdez testified that he did not say that.

Attorney Peterson requested to redirect Mr. Valdez. He asked Mr. Valdez if there was any provisions in the Building codes requiring him to issue a building permit. What is required in issuing a building permit? Mr. Valdez replied, "first you have to have a sketch of the lot, certification, etc.. Attorney Peterson asked if there were any provisions in the building codes requiring him to issue a building permit right after the check has been brought to him, how long do you have to issue it? Mr. Valdez said that you have up to five (5) to ten (10) days. Attorney Peterson asked in the cases of the Carol Parr and the Ray Fullmer houses, would Mr. Valdez testify that there was no building permit issued. On what day did you see the footings being poured on the Carol Parr house? Mr. Valdez replied, "On the 9th day of the month of July on a Thursday night". Attorney Peterson asked, "When did you red tag the house? Mr. Valdez replied, "On the next day at 6:00 a.m. Attorney Peterson read a section out of the Uniform Building Code Book, Chapter Three (3) stating:

AAH558

Section 301: Permits Required: It shall be unlawful for any person, firm corporation to erect, construct, enlarge, alter, repair, move improve, remove, convert or demolish any building or structure regulated by this same code, except as specified in Subsection (B) of this section, or cause the same to be done without first obtaining a separate permit for each building or structure from the building official.

After reading the section, Attorney Peterson asked who was the building official? Mr. Valdez replies, he was the building official, and he said that he was aware of the exemptions-section B and that the Carol Parr house does not follow those exemptions.

Attorney Peterson aksed Mr. Valdez when did he receive the permit on the Carol Parr house? Mr. Valdez replied on July 13. Attorney Peterson asked if that violation applied to the exemptions in Section B and was the Building Permit issued on the Ray Fullmer home? Mr. Valdez replied that it was issued on the 29th of July, the building permit was applied for the same day, I have been inspecting over the Uniform Building Code for about six (6) years, there is no exceptions without working without a building permit. Attorney Peterson read the following exemptions from 301-B.

1. One-story detached accessory buildings.
2. Fences not over 6 feet high.
3. Oil Derricks.
4. Cases. counters and partitions not over 5 feet hight.
5. Retaining walls which are not over 4 feet high.
6. Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons.
7. Platforms, walks, and driveways not more than 30 inches above grade.
8. Painting, papering and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery.
10. Window awnings supported by an exterior wall of Group R. Division 3, and group M Occupancies when projecting not more than 54 inches.
11. Prefabricated swimming pools accessory to a Group R, Division 3 occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5000 gallons.

Mr. Valdez stated that it was Ralph Christensen's obligation to call for a final inspection. Attorney Peterson asked, "What does the code say as to bulges in the walls? Mr. Valdez stated that when you pour the foundation wall it would be to and from an 8th of an inch and that wall has a big bulge in the South West corner which falls out about three (3) to four (4) inches.

Attorney Johnson asked Mr. Valdez if he told Ralph and his men to sand the bulge down and groude it? Mr. Valdez said that he did say that. Attorney Johnson asked Mr. Valdez if he knew that Mr. Christensen and the Fullmers had talked together and decided that it would be best to frame around the bulge. Mr. Valdez said that it was up to them to decide.

No further questions were asked.

MRS BETH FULLMER's TESTIMONY

My husband is Mr. Willard Fullmer and my house is one of the cases in this hearing. Attorney Johnson asked Mrs. Fullmer if Ralph Christensen took care of all of the little problems that were done on their home. Mrs. Fullmer said that Mr. Christensen did take care of all the problems, Mrs. Fullmer replied, that to her knowledge, there are no problems with the house so far, and she is not displeased with Mr. Christensen's services. She stated that she was presented with a form two (2) times, the first time she did not ask for it, and the second time she did, they were State Contractor Forms. Mr. Valdez stated to me, that the forms were to get Ralph Christensen's license taken away. Every time Mr. Valdez came to my house, he told me that he was going to get Ralph. I tried to explain to him that alot of his problems were Tri-Tec's problems, Tri-Tec has caused an awful lot of problems for Ralph, and it was thier fault that we moved in, because Tri-Tec told us not to pay a bit of attention to the City Inspector. At one time, I told Mr. Valdez that I wanted to see Mr. Christensen's license taken away becasue I assumed that Mr. Valdez was going to Ralph and telling him what needed to be done. Before Mrs. Fullmer moved into their house, Ralph told ner to call him if anything needed to be done, Mrs. Fullmer stated that whe never called Ralph, because she assumed that Mr. Valdez was going to Mr. Christensen and telling him what needed to be done. I called Ralph and told him what needed to be done, and he came down the next minute and did it, he had said that he did not hear anything about the house from Mr. Valdez.

When I started communicating with Ralph, everything that I complained about got done. As far as I am concerned, I think Mr. Christensen is a suitable contractor. Attorney Johnson asked Mrs. Fullmer if she had a conversation with Mr. Valdez where he informed her that the house was acceptable, Mrs. Fullmer stated that he did not, but he stated that is was unacceptable. We had another inspector that came in and inpsected the house, and he said that as far as the wall being fixed, that was acceptable. We have had several inspectors come and inspect our house, he had a conversation with Mr. Christensen concerning the bulge in the wall, and it was agreed, that instead of sanding and grouding the spot, they would frame around it, and the other inspectors said that it would be just fine.

No further questions were asked by the attorneys, Mrs. Fullmer was excused from the hearing.

JUDY FULLMER's TESTIMONY

Mrs. Fullmer stated that her house has not been completed, therefore, it has not gone through final inspection. I had a conversation with Mr. Valdez relative to the building permit, he told me that Ralph had not obtained a building permit and I have a bid form, stating what Ralph would pay for, and that bid included the building permit, I showed Mr. Valdez the bid sheet, and

AAH558

Mr. Valdez told me that Ralph had not payed for the building permit and that same day he showed me the check for \$477.00 and said that it did not cover all of the building permit, the water and sewer was included in the permit which was not paid for. Mr. Valdez told me that the only problem was getting the money. We have had a lot of problems with Tri-Tec, as far as having any problems with Ralph, we haven't had any. I do not know about the defects of the red tag going up before Ralph knows what the problems are on the house.

Attorney Peterson stated that Mrs. Fullmer just barely testified about not knowing about the defects of a red tag, Mrs. Fullmer stated that Ralph did not know about the defects of the red tag until it had been put on because Mr. Valdez was explaining to Ralph about the red tag when we was there at the house, and Mr. Valdez explained to Ralph that there had been red tags on the house before, one red tag was stating that Ralph had been working without a city license. I do not know if there was a building permit issued before construction was started, Ralph had the bid on the permit, but Tri-Tec was supposed to provide him with the money to receive the permit. I have not called for any inspections on my house yet.

No further questions were asked, Mrs. Fullmer was excused from the hearing.

MR. RAY FULLMER'S TESTIMONY

Mr. Fullmer stated that he is the owner of the house that is being built. Mr. Fullmer stated that he did not know the working relationship with Mr. Valdez and Mr. Christensen, he has not seen anything done wrong on his house so far. Mr. Fullmer stated that he has seen a lot of red tags being put on it, and he doesn't think that Mr. Christensen has been given the chance to do what should be done. I have not had any problems with Mr. Christensen as far as taking care of the problems on my house.

Attorney Peterson asked Mr. Fullmer if he knew specific points on the house where the red tag should appear. Mr. Fullmer stated that a red tag was put on the house because of the foundation being poured. The red tags are very visible, there is one on the back and one on the front. Attorney Peterson asked Mr. Fullmer if he has ever built a house before, Mr. Fullmer stated that he has not, but he knows about the difficulties of a home. Mr. Fullmer stated that if something is wrong with the house, then he should be taken around the house and be shown. As far as I am concerned, that has not been done. Mr. Christensen has not worked on a red tag as far as I know.

No further questions were asked, Mr. Fullmer was excused from the hearing.

Councilman Don Bird asked if the building inspector should tell the contractor what is to be done before the red tag is put on or if the red tag goes on and then the contractor is told what needs to be done. Also I need to know, what point and time is the building permit put in place and what point and time are the water and sewer connections paid, is it all in one, or is it separate?

Mr. Valdez stated that when he red tags the home, usually the contractor won't be there, so I red tag it and get his attention, and he'll come in and ask why it was red tagged, so the building is first red tagged, and then the

reasons are told later, but if the contractor is on site, then I go to him and explain to him why it is being red tagged. Mr. Valdez stated that it is the Delta City Policy, that the building permit and the water and sewer are to be paid for before the permit is issued, in full.

Attorney Peterson presented an inspection form to be marked as exhibit number five (5).

MR. GIL WILLIAMS's TESTIMONY

Mr. Williams stated that he was told to look at the Kirk Harris home, he inspected that home on April 9th, 1981, pictures were taken of it and it was, to me, looked like it was installed by a nonprofessional, Mr. Christensen was there at the time, we asked him who had done the work on it, and he replied that his men had done it. Mr. Christensen has a B-2 License, which is the land scapeing and the small commercial. Several violations that I had found was the braker box, which is shown in the pictures, there was no protecting of the wires, the wires were cut, which is very hazardous, there was improper grouding, the wire outlet was underneath the water point.

The three pictures which I have here, show the braker box, as you can see, the wires look like they are all jammed in there, they do not have no formity what so ever. It shows also the hole going through the main service, disconnect was sharp, jagged, and cutting into the wires. I have pictures also, of how a regular box should look.

Attorney Peterson asked Mr. Williams, "In what respects does the braker box in those pictures violate the Uniform Building Code?

Mr. Williams replied that all of the wires must be protected, also it constituted a hazard to the occupant of the house. The State of Utah does have a law stating that all personnel that does electrical work must be licensed, and it must be inspected. Relatives of the home owner are not allowed to do the electrical work, if they do not have a license.

Attorney Johnson stated that the Kirk Harris house was never occupied when it was in that condition. Attorney Johnson asked if those problems were ever corrected, and if Mr. Williams went back to see that those problems were corrected. Mr. Williams stated that to his understanding, those problems were corrected. Attorney Johnson asked, if he is the home owner and he wants to do the wiring himself, then he can tell the contractor to take it out of his bid because he is going to do the wiring himself.

No further questions were asked, Mr. Williams was excused from the hearing.

MR. LYMAN MUNFORD's TESTIMONY

Mr. Lyman Munford is the FHA-VA inspector, Mr. Munford has had 20 years of construction experience, he has worked with the Veterans Administration, and the Housing Administration for six (6) or seven (7) years. Mr. Munford estimates that he has made about 2,000 inspections. Mr. Munford stated that he conducted the inspection on the Willard Fullmer home, in that particular case, it was assigned to him by the Veterans Administration, to be the V-Inspector on that particular home. According

AAH558

to the documents that were submitted to him, the first two inspections were waived by the Bob Lundell Howe building warranty that was in effect on this particular house. The final inspection has to be a guarantee to the occupants of the home, to make sure that the home will last a life time.

I had a conversation with Ralph Christensen, and in this particular case I received a phone call from one of the employees to plan a final inspection on the home. I reviewed a list of items that have to be done in order to be approved for a final inspection, these are not items that are not common, but the ones on the check list are common items. I was assured by the employee of Tri-Tec, that everything was completed, on the morning of the 7th of July, I made the inspection, I called that morning at 6:45 a.m. to Ralph Christensen's home, so that he could meet me at the home that needed to be inspected, the line was busy, so I just drove over.

I was surprised because there were several items that were not complete. I left a partial list of the things which were not complete, and I left the list with Mr. Fullmer, to make sure that Ralph received that list. In a conversation with the Veterans Administration, that afternoon, I told them what had happened, and told them that I would not be available for another inspection, the Chief appraiser had told me that they received a phone call from Tri-Tec telling him that they needed an inspection made on Friday. Mr. Munford assumed that the final inspection was made on the following Wednesday after he looked at the house on Monday. He stated that he did not receive any copy of an inspection.

Attorney Peterson asked if he had made any inspections subsequent to the inspection Mr. Munford stated that he made an inspection. On July 7th, I observed the defected items, some of the defects on the house were, the kitchen window, the insulation was missing, there was a bulge in the concrete foundation in the South West corner. Mr. Munford presented an example of the inspection report.

Attorney Peterson asked if the defects were corrected on August 17, 1981. Mr. Munford replied that they were corrected. Attorney Peterson asked if he heard that statement in the testimony of Mrs. Fullmer that it was okay by the other inspectors. Mr. Munford stated that he did hear the statement. Attorney Peterson asked Mr. Munford what standards does he inspect under. Mr. Munford stated that he inspects under the Federal Housing Administration. Attorney Peterson asked if they superseded or replaced the Delta City Standards, Mr. Munford stated that they do not. Attorney Peterson asked Mr. Munford to describe the system of the inspection. Mr. Munford stated that he conducts his inspections at the place of the contractor, and basically in that situation, the final inspection was regulating to proceed the closing of a loan on that home.

Attorney Peterson asked Mr. Munford if there was any act of misconduct on the part of Ralph Christensen.

Attorney Johnson objected because they had three (3) days to prepare the case. And they have to have a position to respond, and if they were to bring experts here today, other contractors who would examine and testify as a standard and a care of the industry, then that's one thing. He stated that they have alleged a complaint letter drafted by the city of the specific violations, and those specific violations are what we are trying to contend with today and we have never been put on notice that is standard overall something less than desirable, and you certainly can't lay that foundation with this witness because as he said, he didn't do a final inspection, the final was done through Madison, and the four (4) items that you saw, (and it wasn't a final inspection) were all corrected.

Mr. Munford stated that normally in all cases, when we present an inspection to the court, in this particular situation I am the one in charge of the final inspection. I get a list of the items, list them one (1) two (2) and three (3) and so on, of the things that need to be done, now that was not the purpose of this report, I simply listed four (4) items and that was all.

Attorney Johnson stated that the subject of his objection, was that we are here to testify on what Mr. Christensen has done, so we have interplayed between Tri-Tec and his government agency where they send two different inspectors, and I see what his gripe is, but now you can't hold Mr. Christensen to what Mr. Fullmer might have done if he had given the final inspection. I think what Mr. Fullmer is saying, is look if I was called on final inspection, I would have done this much more, but the fact is he said, these are the items that have to be taken care of preliminarily and I'll come back for a final inspection. I think what he is saying, is if he would have come back for a final inspection, then the list would have been much longer, and he might have done alot of different things, that fact is, he didn't. Then another representative from V-A came and through his independant judgment, passed the house, now you can't hold all that confusion, and what Mr. Fullmer thinks about it, to my client.

Councilman Don Bird stated that they would go by what Mr. Munford found on his first inspection which, may or may not, have been done right by Mr. Christensen.

Attorney Johnson stated that if the City wanted to bring back Mr. Madison to testify on the final inspection, then they could do that, but they can't hold his client for that.

Councilman Don Bird stated that the purpose of this hearing is about the work that was done by Ralph, whether electrical or anything else, and as far as Mr. Munford's testimony, it seems to be all right.

Attorney Johnson stated that he just wanted to clarify two (2) things. He asked Mr. Munford if he had a first hand knowledge of whether Mr. Madison did in fact come out the next Wednesday, Mr. Munford stated that he did make a final inspection.

NEIL FORSTER's TESTIMONY

Mr. Foster is the City Superintendent. Attorney Peterson asked Mr. Forster to testify to the Willard Fullmer home, and asked him what his involvement was concerning that home? Mr. Forster stated that his involvement there was out, of course, on the public right of way. He was involved with the sewer connection, and a irrigation ditch. Mr. Forster stated that on June 24, at approximately 8:30 a.m. it was called to his attention by the City Water Master, of an irrigation ditch that had been closed and was to be conducted by the contractor, to create a ramp to set the Willard Fullmer home. That ditch was not reopened and water was due at the ditch to go through at 10:30, he went to the site, and of course they had no facilities to reopen the ditch, Mr. Forster stated that he did talk to Mr. Christensen and Mr. Christensen said that his back hoe was not available to fix the ditch and there was no way he could open the irrigation ditch.

Mr. Forster stated that he did go back to the City Shop and get a back hoe, I had two (2) people with me, and the Delta City Irrigation was reopened.

AAH558

Mr. Christensen was sent a bill for the work that was done. As a result of opening the irrigation ditch and running the water through it, a sewer trench for the Willard Fullmer home had been cut through the banks of the ditch, and as the water came down through the ditch, the ditch broke loose and water was in the burrough pit through the East side as well as a portion of the road, that incident was called to my attention on the following morning, I then went to Mr. Christensen, he was leaving town, and felt that it was up to the City to fix the damage that was done, we discussed it, I felt that it was his responsibility, but again he stated that he was leaving town and he would take care of it in a couple of days. So I then again went back and got a City backhoe, and two (2) men and went back and filled the trench, because it was a dangerous trench, it was eight, (8) nine, (9) or ten (10) inches of settlement. It was dangerous to the road traffic as well as to the foot traffic, the trench was clear across the road.

An objection was made by Attorney Johnson, because he didn't feel that the defect which was made, could not be categorized as a violation.

Attorney Peterson quoted a section out of the 1956 Ordinances of Delta City. Section 18-8:

It shall be unlawful for any person, by or for whom any excavation is made in a public street for any purpose, to fail to cause a barricade, rail or other sufficient fence to be placed so as to enclose such excavation, together with the dirt, gravel or other material thrown therefrom, and to maintain such barricade during the whole time for which such excavation continues.

Mr. Forster stated that there was not a warning sign around the trench, and that he did personally tell Mr. Christensen about the defect, and the response that I received was that he had to leave town, and he would fix it in a couple of days.

Mr. Forster stated that he is involved with the issuance of the building permits because he is in charge of the public utilities and he has to sign the building permits, Mr. Forster also stated that he did observe the construction on the Carol Parr home and the Ray Fullmer home, and he explained that on the Carol Parr home, as far as he was concerned, the building permit has not been issued. Mr. Forster did observe the footings on the home, prior to the issuance of the building permit.

Attorney Johnson asked Mr. Forster who owned the irrigation ditch on the Willard Fullmer home. Mr. Forster stated that the City owned the ditch, and he said that water was in the ditch every other week.

Attorney Johnson asked Mr. Forster if he thought that Mr. Christensen's livelihood should be taken away because he filled in a ditch. Mr. Forster said that it wasn't up to him to decide.

Mr. Forster stated that with the conversation with Ralph Christensen about the problem with the trench, they were both angry, he stated that he was angry because of Ralph's reaction when he asked him to fill in the trench.

Attorney Johnson stated that he doesn't want anybody to take what he said in offense because he has to defend his client.

Attorney Johnson stated that Mr. Christensen received a letter on August 6th, 1981, from Mr. Valdez, and Mayor Roper, signed as the Delta City Administrator, and the letter stated that Mr. Christensen's license was revoked. Then he received a letter on the 12th of August stating that there is going to be a hearing, the attorney said that there was some kind of attachment to the proceeding between the Mayor and the City Inspector.

MR. RALPH CHRISTENSEN'S TESTIMONY

Mr. Christensen stated that he has worked for other contractors for about six (6) years, and he has been on his own for about three (3) years.

Attorney Johnson asked Mr. Christensen about the wiring on the Kirk Harris home, he asked who the relative was that wired the home. Mr. Christensen replied that it was Gary Harris and he was Kirk Harris's cousin.

Mr. Christensen stated that the wiring was done by Gary Harris, and he was an employee of his and he wanted to do the wiring on the house himself, so that he could save Kirk some money. The way that I understood who could do the wiring, was that the owner could assign somebody to do it, and I found out later on that it couldn't be done that way.

Attorney Johnson asked Mr. Christensen if Gary Harris was a licensed electrician, Mr. Christensen replied that he was a licensed electrician. Mr. Christensen also stated that Mr. Harris had sent his son over to get started on the wiring, and then Mr. Harris went by and helped him. Mr. Christensen stated that all of the general problems were all taken care of within a week of the inspection, Mr. Christensen stated that the house was not being occupied, Attorney Johnson asked Mr. Christensen if he has ever, prior to this time, hired a unlicensed electrician. Mr. Christensen replied that he has never hired a unlicensed electrician. After Mr. Christensen found out about the wiring on the Kirk Harris house he hired a licensed electrician to do the wiring. Attorney Johnson asked if there have been any other contractors that have had any problems with Mr. Valdez, as far as enforcing the Codes, Mr. Christensen did not know as far as he was concerned, he did not think so.

Attorney Johnson asked, "Now when the electrical work was started by Dee's son, did Mr. Valdez go to you? Mr. Christensen replied that Mr. Valdez went to Dee's son, Wade, and he told Wade to stop working on the site. Attorney Johnson asked Mr. Christensen if he had a conversation with Mr. Valdez, Mr. Christensen replied that he did not, because Wade told him that Mr. Valdez sounded pretty strong about it. So Mr. Christensen went to the State to find out what was legal and what wasn't, and the State informed me that it was okay, so Mr. Christensen went back and got Wade and they went to work on the house, and Mr. Christensen told Mr. Valdez that he had called the State and they said that it was okay, and that we needed to get the work done on that house, so we went ahead and finished it. Later in the week, Mr. Christensen talked to Ray, and Ray said that he knew it was alright, and that he was just pretending.

Attorney Johnson asked Mr. Christensen to explain to the council how the building permit problem started:

AAH558

Mr. Christensen stated that he had a conversation with Mr. John Pexton, and he stated to Mr. Christensen that he had the check for the permit. So he assumed that he could go ahead. The day that Mr. Christensen assumed that he had the building permit, he went to work on the house the next day.

Mr. Christensen stated that after the weekend he was driving around and he saw a red tag on the house, so he went looking for Mr. Valdez the Monday after, and Mr. Christensen assumed at that time that Tri-Tec had taken care of the building permit, and Mr. Valdez told me that the problem with the red tag was the building permit. Attorney Johnson presented to Mr. Christensen, exhibits number two (2) and three (3), he asked Mr. Christensen to identify the exhibits. Mr. Christensen stated that they were checks that were for the building permit. Mr. Valdez had told me that the checks were made out for the wrong amount, Mr. Valdez told me that I could write out a check and he would hold it for me until I got some money from Tri-Tec. After Mr. Valdez had received the two (2) checks, he told Mr. Christensen to go ahead with the Building of the home, and Mr. Christensen relied on what Mr. Valdez had told him. Mr. Christensen stated that he has never worked under a red tag.

Mr. Christensen stated an incident when one of his men was digging the footings and he left for a break, and during that time, Mr. Valdez had red tagged the house. Mr. Christensen stated that his men had taken care of the problem of the red tag, and the next morning Mr. Christensen went to find Mr. Valdez, and Mr. Valdez had left town, so Mr. Christensen found Mr. Forster, and Mr. Forster looked the job over, and pulled the red tag and put a green tag on. Mr. Christensen said that Mr. Valdez went back the next morning and put the red tag back on the house. Mr. Christensen stated that he did not start the work again until the building permit problem was solved.

Mr. Christensen stated that he assumed that the building permit problem was taken care of from the period of July 14, 1981 to the time that Mr. Forster had told me that I was working without a building permit.

Attorney Johnson asked Mr. Christensen to explain what would happen if he sanded and grouded the Willard Fullmer home, and what would happen if he just framed around it.

Mr. Christensen said that to sand and groude it, they would have to chip the bulge off and make it smooth, or they could frame around it, which the Fullmers agreed to do. If we framed around it, it would not affect the support of the wall.

Mr. Christensen stated that he did not know anything about having his license being revoked until he recieved the letter on August 12, 1981.

Attorney Johnson asked Mr. Christensen if he was there when the final inspection was done on the Willard Fullmer home, Mr. Christensen stated that he was not present when the inspection was done, however, he received a list of four things that were wrong with the house.

Mrs. Fullmer had given me the list of items that needed to be done, and Mr. Christensen said that he had completed the items and checked them off.

Mr. Christensen agreed that he just did the items on the list, and Tri-Tec took care of the rest.

Mr. Christensen stated that he did not know about the technicalities on the Ray Fullmer home, he said that he asked Mrs. Fullmer why she didn't tell him about the problems, and she replied that she thought that Mr. Valdez was telling him to take care of the difficulties on the house.

Mr. Christensen stated that Mr. Valdez presented a State Inspection form to Mrs. Fullmer and he had her sign it, Mr. Christensen stated that Mrs. Fullmer did not know that the form was to revoke his license, she just thought it was a form to get the problems fixed on her house.

Attorney Johnson presented to the council, a letter which was written by Mr. and Mrs. Kirk Harris, stating that they did not have no complaints against Mr. Christensen and that the State Inspection Form that they sent, was not a complaint, they just thought that it was a sheet to get the difficulties fixed on their home.

Mr. Christensen stated that he did not receive any notice stating that his license was going to be revoked until he received the letter on August 12, 1981.

Attorney Johnson asked Mr. Christensen about the ditch that was filled in, Mr. Christensen stated that the ditch was filled in because they had to move the home into the lot, as a result they had to bury the ditch. Mr. Christensen said that he realized that the ditch had to be reopened, however, he did not know that water was going to run through it in that soon of time. Mr. Christensen stated that he paid the City for the labor and he stated that the men that were to fix it waited for an hour to get the equipment, and Mr. Christensen was billed for the time that they waited there.

Mr. Christensen stated that he was not aware of the trench that had settled he stated that he was leaving town the next morning and Neil Forster drove up from where they were leaving, Mr. Christensen stated that he was meeting three (3) other contractors because they were leaving to go to a meeting in Manti, and they had to be there in an hour and a half, and then that's when Neil drove up and he got out of his car and told me that I had to go and fix the trench right at that time, so Mr. Christensen told him that he was already late for his appointment, and that he couldn't fix it at that time, and that he would fix it in the afternoon when he got back from the meeting, and then Mr. Christensen asked Mr. Forster if he could take care of the situation, then Mr. Forster left to go take care of it.

Mr. Christensen stated that Mr. Forster was made because he couldn't go fix it at that time, and Mr. Christensen was made because Mr. Forster had asked him to fix it right at that time.

Mr. Christensen stated that he has never worked under a red tag because he desired to maintain his business license, and that he expects to work with the City Ordinances, and he expects to do what the inspector asks him to do.

Mr. Christensen stated that Mr. Valdez has went down to where his crew was working, and told them to stop working on the site, he has also told them that they could be arrested if they continued working, Mr. Christensen also stated that Mr. Valdez said that he would arrest him if he continued working, and that Mr. Valdez had the authority to arrest him himself.

AAH558

Attorney Peterson made a statement that what Mr. Christensen had just said, was totally heresay and that it would not be counted for in the hearing.

Attorney Johnson agreed.

Attorney Peterson asked Mr. Christensen when does he know when a building permit is issued and if final, Mr. Christensen stated that when the permit is paid for and approved.

Attorney Johnson made a statement, he stated, "If the money was in the right amount, then you would assume that the building permit was issued, the content of it is, if the City would have known before that the building permit was not issued, but Mr. Valdez testified that it was money, and that a building permit was issued.

Attorney Peterson asked Mr. Christensen when did he obtain a building permit on the Carol Parr house, Mr. Christensen replied, "I don't know exactly, Tri-Tec is in charge of getting the permits. Attorney Peterson asked, "When did you start construction on the house," Mr. Christensen stated that he could have started construction on the 9th of June.

Attorney Peterson asked, "When was the building permit issued on the Ray Fullmer house?" Mr. Christensen replied that he didn't know exactly, he wrote out a check on the 15th of June.

Attorney Peterson asked Mr. Christensen if there was a red tag put on the footings of the Ray Fullmer home, Mr. Christensen stated that there was a green tag put on the footings. Attorney Peterson stated that in Mr. Valdez's testimony he stated that there was a red tag on the footings, and he asked Mr. Christensen if he was contradicting Mr. Valdez's testimony, Mr. Christensen stated that he was contradicting Mr. Valdez's testimony, because there was a green tag on the footings.

Attorney Peterson asked about the ditch on the Willard Fullmer house, he asked if the bill was paid for that work which was done on the ditch, Mr. Christensen stated that it had not been paid for.

Attorney Peterson asked Mr. Christensen if he was aware of the State Contractor's Building Code, Mr. Christensen stated that he was aware of it.

Attorney Peterson started to quote a section out of the State of Utah Contractor's License Law and Reference Book, page 51,. Attorney Johnson objected to Attorney Peterson reading the reference out of the book.

Attorney Peterson stated that the subject that he is trying to point out is the fact that Mr. Christensen stated several times that he was not aware of the State Statues, and of the Multiple Building Codes that were violated, and he was going to read a section out of the book, stating that as a general contractor, he has to know and comply with those particular building codes.

Councilman Don Bird stated that if the reference book tied in with the case then it would be approved that Attorney Peterson continue reading the section out of the book.

Attorney Peterson continued reading the section out of the book:

Workman ship not meeting minimum standards as determined by the Uniform Building Code, (Current Edition), National Electrical Code, (Current Edition) F.H.A., Veterans Housing Administration, Utah Plumbing Code, any local building codes, the State Board of Health, or by the administrator.

Attorney Peterson stated that Mr. Christensen, being a licensed general contractor, he should know these codes.

Attorney Peterson asked Mr. Christensen about the wiring done on the Kirk Harris home, he asked him who was in charge of the wiring that was done on the home, and he also asked if Gary Harris was an employee of Mr. Christensen's.

Attorney Johnson objected, because he said that you cannot blame the contractor for the work that was done when the owner wanted to do it himself, it would be a violation against the owner of the house, and not the contractor.

Attorney Peterson stated that it was Ralph's responsibility because he was the contractor and he was the one that made sure that everything was in good enough condition so that it could be approved.

Mr. Christensen stated that he is to check everything after it has been done, so that a final inspection can be made.

Attorney Peterson stated that Mr. Christensen said that on the Kirk Harris house, the State Inspector has told him that he could go ahead with the work, after Mr. Valdez had red tagged it. Attorney Peterson had stated that in the State Contractors Code, that anyone working on the electrical work has to be assisted by a licensed contractor. Mr. Christensen stated that he hired Dee Hollingshead to supervise the work.

Attorney Johnson asked Mr. Christensen, "After you gave the checks to Mr. Valdez on July 13, did he or did he not tell you to go ahead with the work. Mr. Christensen stated that Mr. Valdez told him to go ahead, and that he would take care of it. Mr. Christensen stated that he made an inspection on the walls during that time that he assumed that he had obtained a building permit.

No further questions were asked.

JED HIGG'S TESTIMONY

Jedd Higgs is an employee for Ralph Christensen.

Attorney Johnson asked Mr. Higgs if there was a red tag on the work that he was doing on the bearing wall down the middle.

Mr. Higgs stated that he was at the site working, he wasn't working on the footings, however, he left and while he was gone, Mr. Valdez had red tagged the footings. Mr. Higgs said that there was no work done while the site was red tagged.

Mr. Higgs stated that he has never known any of Ralph's employees to work under a red tag before, and he has never seen any unlicensed electricians working on the job.

Attorney Peterson asked Mr. Higgs to describe the red tag which was put on the site.

AAH558

Mr. Higgs stated that it was one of the small red tags, and it was a stop working tag. He also stated that Mr. Valdez had wrote on the red tag that the center footing was not wide enough or deep enough. Mr. Higgs stated that it was just a tag to fix the defect.

No further questions were asked,.

Councilman Don Bird stated that that was all of the cross examinations of the hearing, and that he would like to have the council reconvein, and they can decide on whether they want to make a decision at that time, or study the case over, and make a decision.

Attorney Peterson made the statement that the council should only base their decision on what they have heard in the hearing today, as they have seen it, heard it and as they understand it. Attorney Peterson also stated that they are going to be specific as to the violations of the Ordinances, which they think are going to be serious enough for the revokation of the license. Attorney Peterson stated that several comments were made in the hearing about taking Mr. Christensen's livlihood away from him, he stated that if they should decide to revoke the license then Mr. Christensen could not work in the limits of Delta City, but he could go somewhere else, all the council is doing is protecting the residents of the City of Delta, by revoking the license.

Attorney Johnson stated that the building permit was a mess, and it is all stipulated on what has happened, but what the problem is, is that the time that Mr. Valdez brought the problems to Mr. Christensen, the contractor gives the check to Mr. Valdez and Mr. Valdez agrees to, after five (5) or six (6) questions, I say didn't you agree, and tell Mr. Christensen that he could go ahead with the work and Mr. Valdez sais yes, now what is the contractor supposed to think? The contractor continues to do the work under the impression that everything is taken care of, and then he finds out at the end of the month, by Mr. Forster, that technically he didn't have a permit, and then Mr. Christensen pulls of the job immediatley until it is taken care of. Attorney Johnson stated that there has been no showing of any continual or abuse of the system, wev'e tried to bring you the only wittnesses we knew of, and those were the people themselves. There is more of it, than just what Mr. Valdez has testified to, there is the bearing wall, and all those kinds of issues have been thouroughly discussed, and the fact is that every kind of contractor makes errors, and as of now there has not been anything that has bot been repaired, it seems to me, that you can't impute to Mr. Christensen, the mess between VA for the way that Mr. Valdez has handled it. Attorney Johnson said that he just can't see why those reasons could deprive a person of their livlihood.

Councilman Don Bird turned the time back over to the Mayor.

Attorney Peterson suggested that the council make their decision in 10 days or earlier.

Councilman Willis Morrison stated that he didn't think that the council needed to take a great deal of time, he suggested going into a closed session to review some of the things that have been discussed.

Attorney Peterson explained why this subject could not go into a closed session.

Councilman Cecil Losee stated that it appeared to him that there were alot of bad circumstances, and that things were not clearly understood on either side. Councilman Losee MOVED not to revoke Mr. Christensen's license. Motion dyed for lack of second.

Councilman Tom Callister stated that he would like more time until the council made a decision or not.

Attorney Peterson suggested that the council adjourn the meeting until a later time, to discuss the decision of revoking the license of Mr. Ralph Christensen.

It was approved by the council that they would discuss the issue, at their next council meeting. Councilman Morrison made a MOTION that the Council decide on the decision at the next Council Meeting. MOTION SECONDED by Councilman Losee, and received unanimous approval of all councilmen present.

Attorney Johnson stated that on behalf of his client and himself, they appreciated the time that the council had taken to hear their comments.

Mayor Roper asked if there was any other items that needed to be discussed, there being none, a MOTION was made by Councilman Bird to adjourn the meeting. MOTION SECONDED by Councilman Callister, meeting adjourned at 12:49.

MINUTES OF A REGULAR COUNCIL MEETING HELD AUGUST 31, 1981

PRESENT:

Leland J. Roper	Mayor and presiding
Don Bird	Councilman
Thomas Callister	Councilman
Max Bennett	Councilman
Cecil Losee	Councilman
Willis Morrison	Councilman

OTHER PRESENT:

Neil Forster	Public Works Superintendent
Ray Valdez	City Building Inspector
John Quick	City Engineer
Dorothy Jeffery	City Recorder
Don Church	City Resident
Ralph Christensen	Christensen Const. Co.
Mrs. Ralph Christensen	Christensen Const. Co.
Roger Stowell	IPP Representative
Robert Harris	City Resident
Robyn Pearson	MICA
Steven Young	MICA
Jack Grayson	Grayson Construction
Gayle Bunker	Bunker and Son's Construction.
Gary Bunker	Bunker and Son's Construction.

AAH558